

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN) (and member case  
*Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN))  
*Ashton, et al. v. Kingdom of Saudi Arabia*, 17-cv-02003 (GBN)(SN)  
*Dickey, et al. v. Republic of Iran*, 18-CV-11417 (UA)

**The *Burlingame* Wrongful Death Plaintiffs'  
Motion for Supplemental, Partial Final Judgments Against Iran**

For the reasons set forth below, and the exhibit attached to and statements contained in the Declaration of John F. Schutty, Esq. ("Schutty Declaration"), the Personal Representatives of the Estates of the following set of 9/11 decedents: Joseph D. Dickey, Robert D. Eaton, James J. Kelly, Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, and John Wallace, Jr., Plaintiffs herein, a *Burlingame* subset of *Ashton* Plaintiffs,<sup>1</sup> by and through their counsel, the Law Office of John F. Schutty, P.C., respectfully move this Court to amend the Order awarding them default judgments against the Islamic Republic of Iran to add an award of \$2 million to each of these Estates for the conscious pain and suffering of their decedent prior to their deaths, and prejudgment interest on those damages as set forth below.

<sup>1</sup> The *Burlingame* (02-cv-7230) and *Ashton* (02-cv-6977) matters were ordered consolidated for liability purposes and mandated to proceed under the *Ashton, et al. v. al Qaeda Islamic Army, et al.* master docket number 02-cv-6977, with the filing of a consolidated master complaint. See 02-cv-6977, Doc. No. 15, entered 11/19/2002. There are 167 *Burlingame* Plaintiffs who bring claims for themselves and/or as representatives of their respective decedents' estates. 108 *Burlingame* Plaintiffs were named in the original *Burlingame* complaint (02-cv-7230) while an estimated additional 59 were named in subsequent amendments to the consolidated *Ashton* complaint (02-cv-6977). The *Burlingame* plaintiffs remain segregated within all consolidated *Ashton* filings and are identified therein according to their separate docket number and counsel. See, e.g., 02-cv-6977, Doc. No. 465, filed 03/30/2005. The *Dickey, et al. v. Republic of Iran* action, more fully described in the caption, was filed by the same identical Plaintiffs on this motion, to ensure that service was properly completed upon Iran.

This motion is made only on behalf of the appointed Personal Representatives and state-recognized heirs of the Estates of Joseph D. Dickey, Robert D. Eaton, James J. Kelly, Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, and John Wallice, Jr., and, specifically, the individuals and amounts listed in the simultaneously filed “[Proposed] Order of Partial Final Judgments Against Iran on Behalf of Certain *Burlingame* Plaintiffs,” in light of this Court's previous order granting permission to allow certain remaining *Burlingame* Plaintiffs to move for this relief. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (FM), Doc. No. 3987, filed 04/30/2018.

Having already been awarded a partial default judgment, these Personal Representatives of these decedents for the conscious pain and suffering of their decedent as set forth in the simultaneously filed “Proposed Order.”

For all the reasons herein, as well as those set forth in the previous submissions of the *Ashton* Plaintiffs and other plaintiffs, the *Burlingame* Plaintiffs herein respectfully request that this Court grant the “[Proposed] Order of Supplementary, Partial Final Judgments Against Iran on Behalf of Certain *Burlingame* Plaintiffs” and permit *Burlingame* claimants to submit future applications for punitive damages consistent with any future ruling of this Court.

Dated: New York, New York  
December 23, 2019

Respectfully submitted,

LAW OFFICE OF JOHN F. SCHUTTY, P.C.

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